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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	450101-03179	5975
20999	7590	11/03/2004		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER ARSHAD, UMAR				
ART UNIT		PAPER NUMBER		

2174

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/018,954	Applicant(s) YOSHIMINE, TAKAO	
	Examiner Umar Arshad	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5 and 7 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais, U.S. Patent No. 6,727,925 in view of Lin, U.S. Patent No. 6,369,835.

As per claim 1, Bourdelais teaches a data-providing apparatus for editing image data in response to a demand transmitted from a data-processing apparatus through a network, said data-providing apparatus comprising:

first acquisition means for acquiring a scenario in response to a demand made by the data-processing apparatus (see figs. 4 and 5; and col. 9, lines 18 – 35);

second acquisition means for acquiring a given number of image data items that will be used in the scenario, in response to a demand made by the data-processing apparatus (see fig. 8 and col. 10, lines 24 – 33);

means for selecting prescribed ones of the image data items acquired by the

second acquisition means and for allocating the prescribed image data items to the scenes of the scenario acquired by the first acquisition means (see figs. 8 and 9; and col. 10, lines 14 – 55); and

correction means for correcting the image data items selected in accordance with the prescribed image data items that have been allocated to the scenes of the scenario (see figs. 9 and 10; and col. 10, line 56 – col. 11, line 20).

Bourdelaïs does not teach a first acquisition means for acquiring a scenario consisting of a plurality of scenes, each lasting for a given time, in response to a demand made by the data-processing apparatus. Lin teaches an acquisition means for acquiring a scenario consisting of a plurality of scenes, each lasting for a given time, in response to a demand made by a data-processing apparatus (see col. 2, lines 60 – 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Lin with the method of Bourdelaïs in order to allow an improved method of editing multimedia documents.

As per claim 2, Bourdelaïs further teaches the data-providing apparatus according to claim 1, wherein prescribed special effects are allocated to the prescribed ones of the scenes of the scenario, and the apparatus further comprises effect-applying means for applying the special effects to the image data items allocated to the scenes (see col. 10, line 13 – 17 and col. 11, lines 21 – 26).

As per claim 3, Bourdelaïs further teaches the data-providing apparatus

according to claim 2, further comprising transmission control means for controlling the transmission of the image data generated by applying the special effects to the image data items by the effect-applying means (see col. 8, lines 9 – 20 and col. 14, lines 22 – 33).

As per claim 4, Bourdelais further teaches the data-providing apparatus according to claim 2, further comprising recording control means for controlling the recording of the image data generated by applying the special effects to the image data items by the effect-applying means (see col. 14, lines 22 – 33).

As per claim 5, Bourdelais and Lin do not teach the data-providing apparatus according to claim 1, wherein the first acquisition means acquires a scenario selected from a plurality of scenarios. However, the Examiner takes official notice that selecting from a plurality of files is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate selecting from a plurality of files with the method of Bourdelais and Lin in order to provide a diverse set of options to the user.

As per claim 7, Bourdelais further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from the data-processing apparatus (see col. 15, lines 6 – 14).

As per claim 8, Bourdelais further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from another data-processing apparatus (see col. 8, lines 9 – 20).

As per claims 9 and 10, they are of similar scope to claim 1 and are rejected under the same rationale (see rejection above).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais, U.S. Patent No. 6,727,925 in view of Lin, U.S. Patent No. 6,369,835 further in view of Davis et al., U.S. Patent No. 5,969,716.

As per claim 6, Bourdelais and Lin do not teach the data-providing apparatus according to claim 5, wherein different pieces of music are allocated to the plurality of scenarios. Davis teaches wherein different pieces of music are allocated to the plurality of scenarios (see col. 4, lines 34 – 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Davis with the method of Bourdelais and Lin in order to provide an improved method for creation of a multimedia file.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (571) 272-4060. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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